

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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) 03 MDL No. 1570 (RCC)  
) ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT  
IN SUPPORT OF DEFENDANT MOHAMED ALI MUSHAYT'S  
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Mohamed Ali Mushayt. I submit this declaration to transmit to the Court the following documents submitted in support of Mr. Mushayt's motion to dismiss (April 9, 2004) and his reply brief submitted in support of his motion to dismiss (July 30, 2004):

1. Exhibit 1 to Mr. Mushayt's motion to dismiss is a copy of the Declaration of Mohamed Ali Mushayt (March 31, 2004), and authenticated translation, with the Declaration of Bassim Alim (April 4, 2004) thereto.

2. Exhibit 2 to Mr. Mushayt's motion to dismiss is a copy of P. Mendenhall, "Seeking bin Laden in the Classifieds," MSNBC, online at <http://www.msnbc.msn.com/id/3340393> (Oct. 24, 2003).

3. Exhibit 1 to Mr. Mushayt's reply brief is a copy of excerpts of the transcript of the Motions Hearing held on June 24, 2003, before Judge Robertson, in Burnett, et al. v. Al Baraka Invest. & Devel. Corp., et al., No. 02-CV-1616 (JR) (D.D.C.).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 30, 2004.

/s/ Alan R. Kabat

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ALAN R. KABAT